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**TERMINAL DISCLAIMER TO OBLIVIATE A DOUBLE PATENTING
REJECTION OVER A PRIOR PATENT**
Docket Number (Optional)
36729-198472

In re Application of: David W. Nelson

Application No. 10/719,063

Filed: November 24, 2003

For: Capturing Device for Insects

The owner, David W. Nelson of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior Patent No. 6,651,379. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Check either box 1 or 2 below, if appropriate.

1. For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. The undersigned is an attorney of record.



7/25/05
Signature
Date

Andrew C. Aitken

Typed or printed name

Terminal disclaimer fee under 37 CFR 1.20(d) is included.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

*Certification under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner).
Form PTO/SB/96 may be used for making this certification. See MPEP § 324.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, P. O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

07/26/2005 JADDO1

02 FC:2814

182

FEET TRANSMITTAL
for FY 2005

Patent fees are subject to annual revision.

JUL 25 2005

TOTAL AMOUNT OF PAYMENT (\$ 125)		Complete if Known			
		Application Number	10/719,063		
		Filing Date	11/24/03		
		First Named Inventor	David W. Nelson		
		Examiner Name	Rowan		
		Group / Art Unit	3643		
		Attorney Docket No.	36729-198472		

METHOD OF PAYMENT (check one)				FEE CALCULATION (continued)																																																																																																																																																																																																																																			
<p>1. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge indicated fees and credit any over payments to:</p> <p>Deposit Account Number 22-0261</p> <p>Deposit Account Name Venable LLP</p> <p><input checked="" type="checkbox"/> Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17 <input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27</p>				<p>3. ADDITIONAL FEES</p> <table border="1"> <thead> <tr> <th>Fee Code</th> <th>Lrg Ent Fee (\$)</th> <th>Fee Code</th> <th>Sm Ent Fee (\$)</th> <th>Fee Description</th> <th>Fee Paid</th> </tr> </thead> <tbody> <tr><td>1111</td><td>500</td><td>2111</td><td>250</td><td>Utility Search Fee</td><td></td></tr> <tr><td>1112</td><td>100</td><td>2112</td><td>50</td><td>Design Search Fee</td><td></td></tr> <tr><td>1113</td><td>300</td><td>2113</td><td>150</td><td>Plant Search Fee</td><td></td></tr> <tr><td>1114</td><td>500</td><td>2114</td><td>250</td><td>Reissue Search Fee</td><td></td></tr> <tr><td>1311</td><td>200</td><td>2311</td><td>100</td><td>Utility Examination Fee</td><td></td></tr> <tr><td>1312</td><td>130</td><td>2312</td><td>65</td><td>Design Examination Fee</td><td></td></tr> <tr><td>1313</td><td>160</td><td>2313</td><td>80</td><td>Plant Examination Fee</td><td></td></tr> <tr><td>1314</td><td>600</td><td>2314</td><td>300</td><td>Reissue Examination Fee</td><td></td></tr> <tr><td>1051</td><td>130</td><td>2051</td><td>65</td><td>Surcharge - late filing fee or oath</td><td></td></tr> <tr><td>1052</td><td>50</td><td>2052</td><td>25</td><td>Surcharge - late provisional filing fee or cover sheet.</td><td></td></tr> <tr><td>1053</td><td>130</td><td>1053</td><td>130</td><td>Non-English specification</td><td></td></tr> <tr><td>1812</td><td>2,520</td><td>1812</td><td>2,520</td><td>For filing a request for reexamination</td><td></td></tr> <tr><td>1804</td><td>920*</td><td>1804</td><td>920*</td><td>Requesting publication of SIR prior to Examiner action</td><td></td></tr> <tr><td>1805</td><td>1,840*</td><td>1805</td><td>1,840*</td><td>Requesting publication of SIR after Examiner action</td><td></td></tr> <tr><td>1251</td><td>120</td><td>2215</td><td>60</td><td>Extension for reply within first month</td><td>\$60</td></tr> <tr><td>1252</td><td>450</td><td>2252</td><td>225</td><td>Extension for reply within second month</td><td></td></tr> <tr><td>1253</td><td>1,020</td><td>2253</td><td>510</td><td>Extension for reply within third month</td><td></td></tr> <tr><td>1254</td><td>1,590</td><td>2254</td><td>795</td><td>Extension for reply within fourth month</td><td></td></tr> <tr><td>1255</td><td>2,160</td><td>2255</td><td>1,080</td><td>Extension for reply within fifth month</td><td></td></tr> <tr><td>1401</td><td>500</td><td>2401</td><td>250</td><td>Notice of Appeal</td><td></td></tr> <tr><td>1402</td><td>500</td><td>2402</td><td>250</td><td>Filing a brief in support of an appeal</td><td></td></tr> <tr><td>1403</td><td>1,000</td><td>2403</td><td>500</td><td>Request for oral hearing</td><td></td></tr> <tr><td>1451</td><td>1,510</td><td>1451</td><td>1,510</td><td>Petition to institute a public use proceeding</td><td></td></tr> <tr><td>1452</td><td>500</td><td>2452</td><td>250</td><td>Petition to revive – unavoidable</td><td></td></tr> <tr><td>1453</td><td>1,500</td><td>2453</td><td>750</td><td>Petition to revive – unintentional</td><td></td></tr> <tr><td>1501</td><td>1,400</td><td>2501</td><td>700</td><td>Utility issue fee (or reissue)</td><td></td></tr> <tr><td>1502</td><td>800</td><td>2502</td><td>400</td><td>Design issue fee</td><td></td></tr> <tr><td>1503</td><td>1,100</td><td>2503</td><td>550</td><td>Plant issue fee</td><td></td></tr> <tr><td>1807</td><td>50</td><td>1807</td><td>50</td><td>Processing fee under 37 CFR 1.17 (q)</td><td></td></tr> <tr><td>1806</td><td>180</td><td>1806</td><td>180</td><td>Submission of Information Disclosure Stmt</td><td></td></tr> <tr><td>8021</td><td>40</td><td>8021</td><td>40</td><td>Recording each patent assignment per property (times number of properties)</td><td></td></tr> <tr><td>1809</td><td>790</td><td>2809</td><td>395</td><td>Filing a submission after final rejection (37 CFR § 1.129(a))</td><td></td></tr> <tr><td>1810</td><td>790</td><td>2810</td><td>395</td><td>For each additional invention to be examined (37 CFR § 1.129(b))</td><td></td></tr> <tr><td>1801</td><td>790</td><td>2801</td><td>395</td><td>Request for Continued Examination (RCE)</td><td></td></tr> <tr> <td colspan="4">Other fee (specify) Terminal Disclaimer</td> <td colspan="2"></td> <td>\$65</td> </tr> <tr> <td colspan="4"></td> <td colspan="2">*Reduced by Basic Filing Fee Paid</td> <td>SUBTOTAL (3) (\$125)</td> </tr> </tbody> </table>				Fee Code	Lrg Ent Fee (\$)	Fee Code	Sm Ent Fee (\$)	Fee Description	Fee Paid	1111	500	2111	250	Utility Search Fee		1112	100	2112	50	Design Search Fee		1113	300	2113	150	Plant Search Fee		1114	500	2114	250	Reissue Search Fee		1311	200	2311	100	Utility Examination Fee		1312	130	2312	65	Design Examination Fee		1313	160	2313	80	Plant Examination Fee		1314	600	2314	300	Reissue Examination Fee		1051	130	2051	65	Surcharge - late filing fee or oath		1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet.		1053	130	1053	130	Non-English specification		1812	2,520	1812	2,520	For filing a request for reexamination		1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action		1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action		1251	120	2215	60	Extension for reply within first month	\$60	1252	450	2252	225	Extension for reply within second month		1253	1,020	2253	510	Extension for reply within third month		1254	1,590	2254	795	Extension for reply within fourth month		1255	2,160	2255	1,080	Extension for reply within fifth month		1401	500	2401	250	Notice of Appeal		1402	500	2402	250	Filing a brief in support of an appeal		1403	1,000	2403	500	Request for oral hearing		1451	1,510	1451	1,510	Petition to institute a public use proceeding		1452	500	2452	250	Petition to revive – unavoidable		1453	1,500	2453	750	Petition to revive – unintentional		1501	1,400	2501	700	Utility issue fee (or reissue)		1502	800	2502	400	Design issue fee		1503	1,100	2503	550	Plant issue fee		1807	50	1807	50	Processing fee under 37 CFR 1.17 (q)		1806	180	1806	180	Submission of Information Disclosure Stmt		8021	40	8021	40	Recording each patent assignment per property (times number of properties)		1809	790	2809	395	Filing a submission after final rejection (37 CFR § 1.129(a))		1810	790	2810	395	For each additional invention to be examined (37 CFR § 1.129(b))		1801	790	2801	395	Request for Continued Examination (RCE)		Other fee (specify) Terminal Disclaimer						\$65					*Reduced by Basic Filing Fee Paid		SUBTOTAL (3) (\$125)
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<p>**or number previously paid, if greater; For Reissues, see above</p>																																																																																																																																																																																																																																							

SUBMITTED BY Complete (if applicable)					
Name (Print/Type)	Andrew C. Aitken		Reg No. Attorney/Agent)	36,729	Telephone 202-344-4000
Signature			Date	July 25, 2005	



PATENT PROSECUTION RECEIPT OF FILING

Venable Filing Number
12775

Atty. Docket No: 36729-198472
Title of Application: Capturing Device for Insects
Application No: 10/719,063
Patent No. :

Attorney/LAA: ACA/mo
PTO Due Date: 7/23/05 (Saturday)
Current Date: 7/25/05
Filing Date: 11/24/03
Issue Date:

The following items were received from Venable LLP, Washington, D.C., by the U.S. Patent & Trademark Office on the date stamped hereon:

- Transmittal Letter
- Fee Transmittal Letter
- New U.S. Provisional Application (pages of specification/claims)
- Rule 53(d) Continued Prosecution Application
- Rule 53(b) Continuation or Divisional Application (*attach copy of specification, claims, drawings and declaration*)
- U.S. National Stage Application of PCT Application
- Request for Continued Examination (RCE) under 37 CFR 1.114
- Response w/Extension of time
- Substitute Specification
- Priority Document-Cert. Copy of Appln. #: ; Country
- Date Filed:
- Formal Drawings (sheets, Figs.)
- Inventor Declaration
- Assignment w/Cover Sheet
- Response to Notice to File Missing Parts
- Response to Notice to File Missing Requirements
- Response to Restriction Requirement
- Information Disclosure Statement with cited references
- Response
- Amendment/ Preliminary Amendment
- Petition/Request for Extension of Time (mo. ext.)
- Power of Attorney
- Petition to Revive
- Sequence Listing – CDR Enclosed? Yes No
- Request for Non-Publication
- Request to Rescind Non-Publication Request
- Terminal Disclaimer
- Notice of Appeal
- Appeal Brief (*in triplicate*)
- Reply Brief (*in triplicate*)/ Request for Oral Hearing
- Confirmation of Hearing Petition
- Issue Fee Transmittal
- Certificate of Correction
- Maintenance Fee Transmittal
- Status Inquiry
- Other: (*Please describe below*)

U.S. PTO FEES ENCLOSED

- Filing Fee
- Surcharge Fee
- Additional Claim Fee
- Recordation/Indexing Fee
- IDS Fee
- 60. Extension Fee
- Notice of Appeal Fee
- Brief on Appeal
- Oral Hearing Request Fee
- Petition Fee
- Issue Fee
- Publication Fee
- Maintenance Fee
- 65. Other Fees (Describe)
Terminal Disclaimer

125.00 **Total Fees Paid**

Check Number

Attached

Charge Deposit Account No.
22-0261*

*If the Deposit Account was used, was a copy of this form sent to Accounting?

Yes No